

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 4:96-cr-00056-MR-1**

UNITED STATES OF AMERICA

vs.

TIMOTHY LAMONT RUFF.

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ORDER

THIS MATTER is before the Court on the Defendant’s filings entitled “Addendum” [Docs. 119, 120].

The present filings, which the Court construes as motions, attack the same criminal judgment which the Defendant challenged on direct appeal and through his four prior motions filed pursuant to 28 U.S.C. § 2255. The Defendant has provided no evidence that he has secured authorization from the Fourth Circuit to file a successive § 2255 motion. See 28 U.S.C. § 2255(h). Therefore, this Court is without jurisdiction to consider the merits of the present motions, and they will be dismissed. See United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003).

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability as the Defendant has not made a substantial showing of a denial of a constitutional right. 28


U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right).

IT IS, THEREFORE, ORDERED that the Defendant's filings entitled "Addendum," which the Court construes as motions [Docs. 119, 120] are hereby **DISMISSED** as successive petitions under 28 U.S.C. § 2255.

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

Signed: January 9, 2015


Martin Reidinger
United States District Judge

